

BARCLAY DAMON LLP

Jeffrey W. Davis
Partner

June 8, 2021

VIA ELECTRONIC MAIL

Margo Ludmer, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
Ludmer.Margo@epa.gov

Re: Lower Ley Creek Operable Unit of the Onondaga Lake Superfund Site
Response to Notice Letter to Perform Remedial Action

Dear Ms. Ludmer:

We are writing on behalf of Niagara Mohawk Power Corporation d/b/a National Grid (“Niagara Mohawk”) in response to the U.S. Environmental Protection Agency’s (“EPA”) notice letter received on April 30, 2021 regarding the performance of the remedial action (“RA”) for Lower Ley Creek. Please be advised that Niagara Mohawk is willing to negotiate in good faith with EPA the performance of the RA for the Lower Ley Creek Operable Unit.

Niagara Mohawk’s willingness to negotiate with EPA is contingent upon several conditions, including but not limited to, involvement of a “critical mass” of other parties in the negotiations, the availability and application of General Motors settlement funds, a final agreement with mutually acceptable terms of performing the RA, and memorialization of the agreement in a Consent Decree executed by a critical mass of other parties and EPA.

Nothing in this letter constitutes a commitment by Niagara Mohawk to undertake the performance of the RA. This letter is not intended to be a complete list of conditions on which Niagara Mohawk would agree to perform the RA, and Niagara Mohawk reserves the right to assert any additional conditions and incorporates those asserted by other parties responding to this notice to the extent they support Niagara Mohawk’s position.

Additionally, nothing herein constitutes an admission of any fact or legal responsibility, fault, or liability, or a waiver of any defense, by Niagara Mohawk, which reserves its rights to contest the allegations contained in EPA’s notice letter. Niagara Mohawk reserves all of its rights relating to third parties, as well as EPA’s failure to issue notice letters to those parties previously or at this time.

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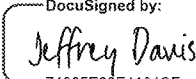
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We trust that this letter responds to EPA's request. If you wish to discuss further, please let us know.

Very truly yours,

DocuSigned by:

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Jeffrey W. Davis

JWD:TJP

cc: Victoria Sacks (Sacks.Victoria@epa.gov)
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